

In the House of Representatives, U. S.,

September 8, 2008.

Resolved, That the bill from the Senate (S. 2135) entitled “An Act to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Child Soldiers Account-*
3 *ability Act of 2008”.*

4 ***SEC. 2. ACCOUNTABILITY FOR THE RECRUITMENT AND USE***
5 ***OF CHILD SOLDIERS.***

6 *(a) CRIME FOR RECRUITING OR USING CHILD SOL-*
7 *DIERS.—*

8 *(1) IN GENERAL.—Chapter 118 of title 18,*
9 *United States Code, is amended by adding at the end*
10 *the following:*

11 ***“§ 2442. Recruitment or use of child soldiers***

12 *“(a) OFFENSE.—Whoever knowingly—*

1 “(1) recruits, enlists, or conscripts a person to
2 serve while such person is under 15 years of age in
3 an armed force or group; or

4 “(2) uses a person under 15 years of age to par-
5 ticipate actively in hostilities;

6 knowing such person is under 15 years of age, shall be pun-
7 ished as provided in subsection (b).

8 “(b) *PENALTY.*—Whoever violates, or attempts or con-
9 spires to violate, subsection (a) shall be fined under this
10 title or imprisoned not more than 20 years, or both and,
11 if death of any person results, shall be fined under this title
12 and imprisoned for any term of years or for life.

13 “(c) *JURISDICTION.*—There is jurisdiction over an of-
14 fense described in subsection (a), and any attempt or con-
15 spiracy to commit such offense, if—

16 “(1) the alleged offender is a national of the
17 United States (as defined in section 101(a)(22) of the
18 Immigration and Nationality Act (8 U.S.C.
19 1101(a)(22))) or an alien lawfully admitted for per-
20 manent residence in the United States (as defined in
21 section 101(a)(20) of such Act (8 U.S.C. 1101(a)(20));

22 “(2) the alleged offender is a stateless person
23 whose habitual residence is in the United States;

1 “(3) *the alleged offender is present in the United*
2 *States, irrespective of the nationality of the alleged of-*
3 *fender; or*

4 “(4) *the offense occurs in whole or in part within*
5 *the United States.*

6 “(d) *DEFINITIONS.—In this section:*

7 “(1) *PARTICIPATE ACTIVELY IN HOSTILITIES.—*
8 *The term ‘participate actively in hostilities’ means*
9 *taking part in—*

10 “(A) *combat or military activities related to*
11 *combat, including sabotage and serving as a*
12 *decoy, a courier, or at a military checkpoint; or*

13 “(B) *direct support functions related to*
14 *combat, including transporting supplies or pro-*
15 *viding other services.*

16 “(2) *ARMED FORCE OR GROUP.—The term*
17 *‘armed force or group’ means any army, militia, or*
18 *other military organization, whether or not it is*
19 *state-sponsored, excluding any group assembled solely*
20 *for nonviolent political association.”.*

21 “(2) *STATUTE OF LIMITATIONS.—Chapter 213 of*
22 *title 18, United States Code is amended by adding at*
23 *the end the following:*

1 **“§ 3300. Recruitment or use of child soldiers**

2 *“No person may be prosecuted, tried, or punished for*
 3 *a violation of section 2442 unless the indictment or the in-*
 4 *formation is filed not later than 10 years after the commis-*
 5 *sion of the offense.”.*

6 (3) *CLERICAL AMENDMENT.—Title 18, United*
 7 *States Code, is amended—*

8 (A) *in the table of sections for chapter 118,*
 9 *by adding at the end the following:*

“2442. Recruitment or use of child soldiers.”;

10 *and*

11 (B) *in the table of sections for chapter 213,*
 12 *by adding at the end the following:*

“3300. Recruitment or use of child soldiers.”.

13 (b) *GROUND OF INADMISSIBILITY FOR RECRUITING OR*
 14 *USING CHILD SOLDIERS.—Section 212(a)(3) of the Immi-*
 15 *gration and Nationality Act (8 U.S.C. 1182(a)(3)) is*
 16 *amended by adding at the end the following:*

17 “(G) *RECRUITMENT OR USE OF CHILD SOL-*
 18 *DIERS.—Any alien who has engaged in the re-*
 19 *ruitment or use of child soldiers in violation of*
 20 *section 2442 of title 18, United States Code, is*
 21 *inadmissible.”.*

22 (c) *GROUND OF REMOVABILITY FOR RECRUITING OR*
 23 *USING CHILD SOLDIERS.—Section 237(a)(4) of the Immi-*

1 *gration and Nationality Act (8 U.S.C. 1227(a)(4)) is*
 2 *amended by adding at the end the following:*

3 “(F) *RECRUITMENT OR USE OF CHILD SOL-*
 4 *DIERS.—Any alien who has engaged in the re-*
 5 *ruitment or use of child soldiers in violation of*
 6 *section 2442 of title 18, United States Code, is*
 7 *deportable.”.*

8 *(d) ASYLUM AND WITHHOLDING OF REMOVAL.—*

9 (1) *ISSUANCE OF REGULATIONS.—Not later than*
 10 *60 days after the date of enactment of this Act, the*
 11 *Attorney General and the Secretary of Homeland Se-*
 12 *curity shall promulgate final regulations establishing*
 13 *that, for purposes of sections 241(b)(3)(B)(iii) and*
 14 *208(b)(2)(A)(iii) of the Immigration and Nationality*
 15 *Act (8 U.S.C. 1231(b)(3)(B)(iii); 8 U.S.C.*
 16 *1158(b)(2)(A)(iii)), an alien who is deportable under*
 17 *section 237(a)(4)(F) of such Act (8 U.S.C.*
 18 *1227(a)(4)(F)) or inadmissible under section*
 19 *212(a)(3)(G) of such Act (8 U.S.C. 1182(a)(3)(G))*
 20 *shall be considered an alien with respect to whom*
 21 *there are serious reasons to believe that the alien com-*
 22 *mitted a serious nonpolitical crime.*

23 (2) *AUTHORITY TO WAIVE CERTAIN REGULATORY*
 24 *REQUIREMENTS.—The requirements of chapter 5 of*
 25 *title 5, United States Code (commonly referred to as*

1 *the “Administrative Procedure Act”), chapter 35 of*
2 *title 44, United States Code (commonly referred to as*
3 *the “Paperwork Reduction Act”), or any other law re-*
4 *lating to rulemaking, information collection, or publi-*
5 *cation in the Federal Register, shall not apply to any*
6 *action to implement paragraph (1) to the extent the*
7 *Attorney General or the Secretary Homeland of Secu-*
8 *rity determines that compliance with any such re-*
9 *quirement would impede the expeditious implementa-*
10 *tion of such paragraph.*

Attest:

Clerk.

110TH CONGRESS
2^D SESSION

S. 2135

AMENDMENT